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**Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples**

# Report of the United Nations Mission to Tokelau, 2002

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# I. Introduction

## A. Terms of reference

1. In a letter dated 25 June 2002 addressed to the Chairman of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Chargé d'affaires a.i. of the Permanent Mission of New Zealand to the United Nations conveyed to the Committee an invitation from his Government to dispatch a United Nations visiting mission to the Non-Self-Governing Territory of Tokelau in August 2002 (A/AC.109/2002/27). The letter recalled that the possibility of this mission had been favourably considered by Tokelau's General Fono (national representative body) in February 2002, further raised in the June 2002 session of the Special Committee and encouraged by the Ulu-o-Tokelau (titular head of Tokelau), Faipule Pio Tuia, in an ensuing informal dialogue with the Committee.

2. At its 10th meeting on 26 July 2002, the Special Committee accepted the invitation. In a press release issued on 12 August 2002 (GA/COL/3070), it was noted that the Mission would examine the situation in Tokelau within the framework of a work programme towards self-determination for the Territory, which was being developed together with the representatives of Tokelau and New Zealand. In that context, the Mission would assess the status of Tokelau's institutions of Government, its constitutional and legal development, and its economic and social development and their sustainability, and make recommendations to further advance Tokelau's self-determination process.

## B. Composition of the Mission

3. Following consultations with the regional groups, it was decided that the Visiting Mission would be composed of Bolivia, Papua New Guinea and Saint Lucia. The Mission would travel to Samoa, Tokelau and New Zealand between 12 and 24 August 2002.

4. The members of the Mission were as follows: the Permanent Representative of Saint Lucia to the United Nations, Chairman of the Special Committee, and Chairman of the Visiting Mission, Ambassador Earl Stephen Huntley; the Deputy Permanent Representative of Bolivia to the United Nations, Ambassador Erwin Ortiz Gandarillas; and the Minister and Deputy Permanent Representative of Papua New Guinea to the United Nations, Jimmy Ovia. The Mission was accompanied by two staff members of the United Nations Secretariat: Principal Secretary/Political Affairs Officer, Denise Cook, and Administrative Officer/Secretary, Janet Hizon.

5. The Administrator of Tokelau, Lindsay Watt, accompanied the Mission to Tokelau and Wellington. The United Nations Resident Coordinator and Resident Representative of the United Nations Development Programme (UNDP) based in Apia, Joyce Yu, who has responsibility for Samoa, Cook Islands, Niue and Tokelau, also travelled to Tokelau with the Mission. She was accompanied by three staff members from the UNDP office in Apia, the Assistant Resident Representative, Programme and Project Services, Georgina Bonin; the Programme Officer, Mutaaga Enosa Faalogo.

## C. Acknowledgements

6. The Mission wishes to express its profound gratitude to the Ulu-o-Tokelau, the faipule (elected heads of each atoll), the three taupulega (councils of elders), pulenuku (village mayors) and the people of Atafu, Nukunonu and Fakaofo for their full cooperation and warm hospitality.

7. The members of the Mission would also like to extend their special thanks to the Administrator of Tokelau, Lindsay Watt; the Director of the Office of the Council of Faipule, Falani Aukuso; the Acting Manager of the Modern House of Tokelau project, Aleki Silao; the Computer Technician at the Tokelau Department of Health, Mikaele Maiava; and the United Nations Resident Coordinator and the staff of the United Nations system in Apia for the assistance that they provided the Mission throughout its visit.

8. The Mission wishes to place on record its deep appreciation to the Government of New Zealand for the close cooperation, assistance and courtesies extended to it during the consultations held in Wellington.

# II. Information on the Territory

9. Tokelau, a Non-Self-Governing Territory administered by New Zealand, consists of three small atolls in the South Pacific (Fakaofo, Nukunonu and Atafu), with a total area of approximately 12.2 square kilometres. Fakaofo is the southernmost atoll (4 square kilometres), Nukunonu (4.7 square kilometres) is nearly 50 kilometres away, and Atafu (3.5 square kilometres) is nearly 100 kilometres away from Nukunonu. Each atoll comprises strips of land never more than 200 metres wide and never more than 5 metres above sea level, which makes the Territory highly vulnerable to cyclones and to any climatic change. Samoa, 480 kilometres to the south, is the nearest sizeable neighbour.

10. The last five-yearly census, conducted in October 2001, recorded a population of 1,518, of which 608 live on one island in Atafu atoll, 501 on two islands in Fakaofo atoll and 409 on one island in Nukunonu atoll. It is estimated that the constraints of atoll life and limited opportunities have led some 6,000 Tokelauans to settle in New Zealand and a few hundred more in Samoa. Tokelauans have linguistic, family and cultural links with other Pacific islands, notably Samoa and Tuvalu. The family and the extended family constitute the core of social organization, with the village (nuku) being the foundation of Tokelauan society. Community welfare is paramount in what has been traditionally a subsistence environment. Ocean and lagoon fish form a stable constituent of the local diet. While there is no significant agricultural activity owing to the limited and infertile coral land, Tokelauans raise pigs and chickens and have access to traditional crops such as coconut, breadfruit, and limited quantities of pandanus fruit and taro. Nonetheless, there is increasing evidence of over-reliance on imported, processed foods, contributing to lifestyle-related diseases.

11. The traditional institution of government in Tokelau is the Taupulega (Council of Elders) of each atoll. In addition, the General Fono is the more recently established national representative body, comprising members elected from each atoll by universal suffrage to serve three-year terms. In 1999, it was agreed that each village would elect six members to the General Fono: the Faipule (Head of the

village), the deputy Faipule, the Pulenuku (Mayor of the village, who is responsible for day-to-day administration) and the deputy Pulenuku, as well as two delegates nominated by each atoll's Fatupaepae (women's group) and Aumaga (workforce of able-bodied men). After changes instituted in November 2001, representation within the Fono was changed to reflect the results of the 2001 Census. Hence, the new Fono has 21 members with the three atolls having legislative seats proportional to the size of their population (Atafu, 8 delegates; Fakaofo, 7 delegates; and Nukunonu, 6 delegates). When the Fono is not in session, national government is provided by the Council of the three Faipule. In turn, each Faipule is appointed to be Ulu-o-Tokelau, the titular head of Tokelau for a rotational term of one year.

12. In June 2000, the General Fono officially established a project, known as the Modern House of Tokelau, which addresses the core issue for Tokelau in creating a constitutional framework, namely, how to construct a self-governing nation based on a village structure. The project, which has the support of the New Zealand Agency for International Development (NZAID) and UNDP, covers four basic areas:

(a) Good governance, namely governance framework, constitutional development, management and operational structures;

(b) Capacity development, namely the review of national and village administrations and development of management training;

(c) National and village sustainable development plans;

(d) Friends of Tokelau, namely, the establishment of an organization to link outside individuals (especially Tokelauans living in New Zealand) and organizations with Tokelau's development.[1]

# III. Activities of the Mission

## A. Meetings in Tokelau

### 1. Meetings in Fakaofo, 15 August 2002

13. The Mission left Samoa on MV Lady Naomi on the morning of 14 August and arrived on the atoll of Fakaofo 24 hours later. It was greeted by the Faipule, Pulenuku and the elders and accompanied to the meeting house where, after a blessing and a traditional welcoming ceremony, the senior elder recalled that the previous United Nations Mission had been in Tokelau in 1994 and that the Ulu at the time (the current Pulenuku of Fakaofo) had said that the village and national development would proceed. Now the Mission could witness the changes for itself. After a morning of consultations at the meeting house, the Mission visited Fenufala Hospital, Tialeniu School and the offices of the telephone provider, the Teletok Company, before returning to the ship.

14. Faipule Kolouei O'Brien made a brief statement and presented a discussion paper prepared by the Council of Elders, outlining the progress made in the four areas that made up the Modern House of Tokelau project. Stress was placed on the continuing need to meet ongoing operational costs and capital replacement costs associated with the telephone network, electric power and transport. Although Tokelauans were exploring new ways of earning income, they required continued financial support. Regarding self-determination, the elders stated that they were

seeking more time to carry out the objectives set by the Special Committee and to continue their dialogue with New Zealand on the relationship between them. The statement also stressed the importance of discussing the status of Swains Island with the administering Power, a matter which was very dear to the people of Fakaofo and which should be resolved before any decision on self-determination was made.

15. In the subsequent dialogue with the Mission, Faipule Kolouei O'Brien pointed out that the arduous sea journey that the visitors had just endured must have brought home to them a critical issue for Tokelau — its remoteness and its lack of transportation. As the Ulu had recently conveyed in the Nadi seminar and in New York, small island countries could not improve their governance or plan their future without support from entities like UNDP and, in the case of Tokelau, assistance from New Zealand with which the Territory had had a 70-year partnership. The Territory wanted to preserve its traditional structures and culture while exercising self-determination — it had made this clear when it had asked that the Tokelau public service be devolved to the Territory — but in order to do this, it had first to define fully its current links with New Zealand and, second, develop a constitution of which there was still only a first glimpse. It also had to develop its exclusive economic zone (EEZ) and finalize the establishment of the Trust Fund, initiated by Tokelau with funds from its EEZ, and for which New Zealand had already generously contributed NZ$ 3.4 million[2] (see annex III). There was a need for better medical facilities and education, transport and communications, jobs to offer its school-leavers, and sea walls to help them face climate change. In short, the people of Fakaofo were pleased that the Special Committee was giving them the opportunity to work out the details of governance and development, to avoid the problems faced by other small Pacific nations, such as Cook Islands and Niue, and to "walk slowly" towards self-determination.

16. Another speaker from Fakaofo remarked that Tokelau was one of the most "reported-on Territories ever" and that most people in local government were aware of the options available. Others remarked on the difficulties inherent in improving local infrastructure and capacities, ensuring agreement among the three atolls and working out details with the administering Power, such as financial support, the status of Tokelauans living in New Zealand in any future decision, and so on. Also important was Tokelau's ability to develop bilateral agreements with its neighbours and obtain support through regional organizations. These matters were still to be resolved. In conclusion, the Faipule described the dialogue held as positive and stated that Tokelau would feel more confident about walking towards self-determination if the United Nations were willing to be "an honest referee".

17. The Administrator of Tokelau, Lindsay Watt, commended the speakers on the way in which they had engaged with the Mission. Tokelau and New Zealand were slowly finding unique solutions to Tokelau's unique problems but it appeared that there might be incentives to work faster. He noted that Fakaofo's Council of Elders was constituted differently from that of the other two atolls (it was based on age rather than on family leadership) and it was thus, perhaps, harder for this Council to find simple answers to institutional change. He was, therefore, pleased to hear the Faipule's call for a constitution to further develop the role of the Council of Elders. Also interesting was the call for the sons and daughters of Tokelau to return to the atolls with their skills and expertise. While many would be unable to settle in Tokelau owing to financial and family commitments, there was no doubt that much could be contributed through electronic means and mentoring programmes.

Regarding the issue of self-determination, the Administrator expressed New Zealand's gratitude for the important role played by Fiji and Papua New Guinea in sponsoring the annual United Nations resolution on Tokelau. No doubt, following this Mission, next year's meetings of the Special Committee would include lively discussion on Tokelau. The significant issue of Tokelau's assets and infrastructure and whether the lack thereof could be seen as an impediment to self-determination would be on the table in discussions between Tokelau and New Zealand in November 2002, when the Council of Faipule came to Wellington. He believed that many answers to questions currently posed would be clearer then. In the meantime, a team from the New Zealand Agency for International Development (NZAID) would be in Tokelau in the last week of August. Finally, regarding the question of information on the nature of the political options available to the Territory, he stressed the importance of FM radio on the atolls as a means of disseminating views and developments to the people of Tokelau.

## 2. Meetings in Atafu, 16 August 2002

18. The Mission arrived in Atafu on the morning of 16 August. After a traditional welcoming ceremony and blessings attended by the Faipule, Pulenuku, the Council of Elders, General Fono delegates and other members of the community, consultations began with Faipule Kuresa Nasau presenting the statement of the elders. After the consultations, members of the Mission visited the Atafu FM station and the hospital. After farewell ceremonies, the Mission departed by sea for the overnight trip to Nukunonu.

19. In their statement, the elders stressed the advances made since 1994 when Tokelau expressed to the Special Committee its will to have its own governance structure while retaining close links to the administering Power: the pivotal Modern House project had been established and the members of the Taupulega were being equipped with modern knowledge that would allow them to identify a governance structure suitable not only for Atafu but for Tokelau as a whole; efforts were under way to improve governance and to broadcast decisions of the Taupulega to the population through the new FM radio station; the elders and civil servants were participating in capacity-building workshops; Atafu supported the development of Tokelau's fisheries and the exploitation of its exclusive economic zone; they also welcomed the Friends of Tokelau programme and encouraged skilled Tokelauans living abroad to assist their homeland. More specifically, given the threat of global warming and hurricanes, the people of Atafu were concerned about the vulnerability of their sea wall and wished to secure further assistance from UNDP. They asked the Special Committee to assist them on the journey towards self-determination and to support further funding for the Modern House project. The elders concluded that, while they were not yet ready to be on their own, they were committed to the journey towards self-determination. However, they wanted to make sure that they were proceeding correctly and remained associated closely with the administering Power.

20. In the ensuing dialogue with the Mission, several speakers raised the need for safer, renewable energy, construction of sea walls and more accessible transport. Another speaker mentioned that cultural traditions of Tokelau did not allow women to have a voice, and that she was concerned that all of the children of Tokelau should have more information about their future. Regarding the options for self-determination, the Faipule stated that free association would require strong

governance structures and may not entirely meet the requirements of Tokelau; on the other hand, integration with New Zealand, while always a warm and supportive partner to the Territory, could mean a weakening of Tokelauan identity — it would need special governance provisions and the support of the Tokelauan residents in New Zealand. It was not clear how long the process of self-determination would take, but Tokelau was determined to move cautiously within the Modern House structure in order to achieve a status that everyone understood and accepted. Rushing to meet deadlines within the context of the Second Decade for the Eradication of Colonialism could undermine the Territory. It was hoped that the dialogue to be held with New Zealand in November 2002 would clarify the relationship between them. A speaker remarked that Tokelau seemed to be waiting for New Zealand to take a step, and vice versa. Perhaps the United Nations could encourage this step to be taken and then act as a referee. Another speaker stated that a comprehensive dialogue between New Zealand and Tokelau had been requested on several occasions to work out the nature of future options both at the government and territory level. New Zealand had replied positively but had still to discuss the details of the options and matters of governance and funding.

21. The New Zealand Administrator stated that there had been much discussion of options over the years and that there had always been difficulties in introducing concepts seen as coming from over the horizon. The availability of FM radio was a huge advance because people could now have question-and-answer sessions and be better informed. It was inaccurate to say that Tokelau and New Zealand were each waiting for the other to take the first step. They were working together towards a solution both on the atolls and among the 6,200 Tokelauans living in New Zealand. Whatever was decided upon would be acceptable, as long as the United Nations was satisfied that this was what the Tokelauans truly wanted.

### 3. Meetings in Nukunonu, 17 August 2002

22. The Mission arrived in Nukunonu on 17 August. After a welcoming ceremony, separate meetings were held with the community and with the Council of Elders. The Mission members were invited to plant a sprouting coconut, to visit the Matiti School and the FM radio station. In the afternoon, the Mission met with members of the General Fono, presided over by the Ulu-o-Tokelau and attended by delegates from the three atolls, after which the Mission formally concluded its visit to Tokelau and returned by sea to Samoa.

23. During the meeting with the community of Nukunonu, several women speakers mentioned that there had been considerable progress on the atoll in recent years. More self-government had improved daily life: the governance projects were helping the Council of Elders to take decisions, FM radio was helping to disseminate these decisions, women had more support in selling handicrafts and the young people had a training centre. However, support from New Zealand and UNDP was still very necessary in matters both small and large in order to reduce Tokelau's future dependency. Services, such as telephone connections, were being provided but people, especially women, earned no money to pay for them. Tokelau must enlarge its capacity to exploit its natural resources, copra and handicrafts, find markets and earn revenue. Other speakers spoke of the need for a wharf, a better shipping system and vehicles to handle heavy cargo, while another reminded the delegation of Tokelau's vulnerability to environmental degradation and issued a plea

for powerful nations to reduce their emission of dangerous gases into the atmosphere.

24. When the Mission met with the Council of Elders, Faipule Pio Tuia, the current Ulu-o-Tokelau, read a statement by the elders which described the advances made on the issues considered vital to the work programme for decolonization agreed to by New Zealand, Tokelau and the United Nations, namely, governing institutions, the constitution and legal development, economic and social development and suggestions to advance the process of self-determination. The Modern House was an excellent mechanism with which to advance in all these fields and it was restoring the strength of the Councils of Elders by providing it with better advice and support systems. The Modern House project included good governance, capacity-building and economic development, and Nukunonu had seen progress in them all; however, the need to grow economically was the most vital. New services were being provided but the community could not afford them without heavy government subsidies. Nukunonu had drawn up a plan for developing resources, such as the medicinal Nonu fruit, copra, fisheries and handicrafts, and was awaiting a response from the administering Power. Also important was the development of Nukunonu's infrastructure through improvements to the channel, wharf, and sea wall, fuel storage facilities and waste disposal. In addition, Tokelau needed a better shipping system and an airstrip to facilitate medical evacuations, travel for officials from outside agencies and eventually, tourism. Education and health were also priority areas where UNDP may be able to assist further through the United Nations Volunteers programme (UNV). Another concern expressed was the need for Tokelau to protect is fragile ecosystem. Tokelau wanted assistance in obtaining funding from the Global Environmental Fund, although it was aware that its territorial status might render it ineligible.

25. Asked by the Mission whether there had been any detailed consideration of the three options of self-determination available to Tokelau, several speakers mentioned the need first to strengthen the Modern House which, in spite of being a young project, had become the "eyes" of Tokelau towards the outside world. Tokelau did not wish to cut its links with New Zealand but had yet to work out the type of relationship to maintain. Another speaker addressed the need for civil society to be better informed of the options ahead so that everyone understood their implications.

26. The final meeting during the Mission's visit to Tokelau was with a special session of the delegates to the General Fono, in the presence of elders from the three atolls. In his statement, the Ulu outlined the developments in the Territory since the last Visiting Mission in 1994. Regarding options for self-determination, the Ulu stated the following:

> "I wish to state categorically that, from Tokelau's point of view, all options in regards to an option or a 'choice' for a right to an act of self-determination are open. The present activity is consistent with the development of internal self-government — with a strong focus on governance arrangements for the villages. Nothing more, or less. It does not speak of a definite leaning towards free association. It does not speak of full integration. Indeed, we cannot say much at all about the full integration option because it has not been available to be explored or discussed to any degree.

> "We have asked the Government of New Zealand to discuss what might be available under the full integration option. We see this as part and parcel of our ability to make a fully informed decision about which choice to make."

The full text of the Ulu's statement to the General Fono is reproduced in annex I.

27. In his statement to the General Fono, the New Zealand Administrator stressed the need for Tokelau to steer its own course towards the future. Each village should cherish its uniqueness but also be united as Tokelau to seek outside assistance. It was important, especially for the traditional leaders who had been little exposed to the outside world, to remember that governance was not being changed because external ideas were being imposed but because, by modernizing ideas, Tokelau could be confident of a sustainable future for its people. There was a need for a working partnership between the Taupulega and those who served it. The General Fono was the ultimate control body to ensure that the nation's business was well done and, for that, the Council of Faipule needed to be well prepared and united. Within the Modern House project, good governance should lead to development; in this respect, it was not hard to understand why Tokelau should focus on education and health and why its leadership should frequently take stock and think of future requirements. The Modern House also seemed to be an excellent vehicle with which to address personnel shortfalls. The Special Committee's work programme on Tokelau included the idea of sustainable governance, sustainable development and sustainable partnership and this had led Tokelau to develop a three-year strategic plan. Both the UNDP and NZAID programmes would be greatly facilitated if they could be aligned with those strategic objectives once everything was in place administratively at the Tokelau end to make that possible. Regarding Tokelau's core, external partnership with New Zealand, the Administrator noted that the outcome of the exercise to reflect on this relationship would be one that was unique to the Tokelau context. The exercise would also be inherently challenging conceptually, politically and practically. One of the Administrator's key concerns was that Tokelau should have the best possible advice, both local and external. The outcome was likely to be as innovative as it would need to be enduring and it would be developed collaboratively between Tokelau and New Zealand, and be open-ended in terms of time.

## 4. Message delivered by the Mission while in Tokelau

28. Throughout its stay in Tokelau, the Mission explained the mandate of the Special Committee and the objectives of the Mission to assess the progress made in the work programme for the decolonization of the territory in the context of the Second Decade for the Eradication of Colonialism (2001-2010). The Mission stressed that, after travelling to the atolls and seeing conditions first hand, it could fully understand that there were important development issues to be addressed. However, Tokelau also had strong assets, such as its unique culture and traditions. The islanders were in the midst of strengthening their governance structures, their capacity, and their economic and social conditions through the Modern House of Tokelau, a mechanism which clearly had strong support and which appeared to be well-suited to the Territory's special characteristics. The Mission understood the need for Tokelauans to proceed cautiously so as to avoid mistakes. It was clear that there was, as yet, no consensus on what Tokelau's political status should be. However, the matter of self-determination should not necessarily be set aside until all other related matters were resolved.

29. The Mission clarified to many of those who attended the meetings that self-determination did not necessarily mean a severing of links with the administering Power. It meant that Tokelauans should choose their future political status. In order to do this, Tokelau should work with the administering Power towards that which the Territory considered most appropriate for itself. The Mission stressed that all Tokelauans should be fully informed about the three options available (free association, integration or independence) and their implications and consequences. The dissemination of information through the newly established FM radio stations was a very good start, and further steps could be taken towards political education. The Special Committee believed that it could assist in the heightening of public awareness of the options by promoting a study of them and their implications and consequences for Tokelau. The United Nations system could also be counted on to provide support to requirements in governance, capacity-building and sustainable development.

30. The Mission believed that, in deciding on their future, Tokelauans would do well to look at the situation of some of their Pacific island neighbours which, with a variety of political statuses, faced similar economic and social problems and environmental pressures. It was also very important that the three atolls be unified in their political, economic and social development and that skilled Tokelauans living abroad should support their people during this time of change. The Mission expressed the hope that, within the time frame of the Second Decade for the Eradication of Colonialism, with the full cooperation of its administering Power and the assistance of the international community, Tokelau could decide what sort of relationship it wanted with New Zealand, give itself a target date to reach that goal, and build up the kind of administrative structures that the chosen option would require. The upcoming meetings in November 2002 between Tokelau and New Zealand to establish a relationship framework and the scheduled meetings on constitutional matters could well begin to clarify many of the pending issues.

## 5. Statements made in Tokelau by the United Nations Resident Coordinator and UNDP Resident Representative

31. During the meetings held in Tokelau the Resident Representative of UNDP expressed her appreciation for the opportunity to present the new country programme for the cycle 2003-2007, which was a partnership effort with Tokelau. Milestones in the relationship of UNDP with Tokelau were the first telephone connection in the Territory in 1997, building sea walls after the cyclone, and its early and ongoing support to the Modern House project. The Modern House would serve as the overarching project for the next cycle. Grant assistance from UNDP would follow two streams: governance, and sustainable development. Under governance, support for the Modern House would continue in capacity-building and training. In the past, for example, UNDP had supported the establishment of FM radio as a vehicle to increase transparency in political, social and economic developments. The TOKTEN process (Transfer of Knowledge through Expatriate Nationals), known in the present context as the Friends of Tokelau, and UNV were being utilized to bring expertise to the atolls. Under sustainable development, UNDP would be supporting development projects such as microenterprise projects for women and skills training for young people; a comprehensive assessment of fishing resources to strengthen the fishing industry; and environmental management projects, such as reducing reliance on fossil fuels by building solar energy units, and

improving fuel storage and protection against oil spills. Whilst Tokelau did not qualify for funding under the Global Environmental Facility (GEF) because of its territorial status, UNDP would explore ways in which Tokelau could benefit from regional GEF projects. A UNDP trust fund had recently awarded Tokelau funding for renewable energy activities that were linked to a GEF regional project. The Representative took note of other needs brought to her attention and stated that she would discuss the possibility of addressing them in partnership with Tokelau and New Zealand. In addition, the Representative noted the willingness of UNDP to assist the Territory should a study to review the options for its future self-determination be requested by Tokelau.

## B. Meetings in Samoa

### 1. Meetings with representatives of organizations of the United Nations system

32. The Mission benefited from the presence of the UNDP Resident Representative throughout the visit to Tokelau and thus had access to much information about the Programme's activities in the Territory (see para. 31 above). Upon returning by sea to Samoa on 19 August 2002, the Mission held meetings with other representatives of the United Nations system in Apia with responsibilities for Tokelau. The representative of the World Health Organization (WHO) in Samoa, Dr. Han Tieru, and its Programme Management Officer, Stephan Terras, provided the Mission with numerous documents on health conditions in the Territory. They explained that the budget for the WHO country programme for Tokelau (an associate member of WHO) was US$ 100,000 for two years, 50 per cent of which was spent on fellowships for Tokelauan students of medicine and dentistry. The remaining funds were spent mainly on education for the promotion of healthy lifestyles. Given the scarcity of funds, WHO had not conducted any recent comprehensive health reviews. Nonetheless, the Director of Health of Tokelau was in frequent contact with WHO. The WHO fellowships were usually provided at the Fiji School of Medicine and not at Australian or New Zealand institutions so as to reduce the chances of graduates remaining in those countries rather than returning to Tokelau. Nonetheless, it was difficult to keep doctors working on the atolls, a situation common to many Pacific islands. The WHO Programme Management Officer was to visit Tokelau in October 2002 and might be able to increase WHO activity there. The Mission urged WHO to look into attaching conditions to medical fellowships in order to increase the chances that Tokelauan practitioners would spend time on the atolls after graduation.

33. The representative of the Food and Agriculture Organization of the United Nations, Vili Fuavao, noted that Tokelau was not a member of FAO and that any activity in the Territory would have to be requested by New Zealand. Nonetheless, some activities had been funded on a regional basis, such as an aquaculture project that had been funded by Japan until its closure late in the 1990s.

34. The Director of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Apia, Edna Tait, noted that of the Organization's main areas of action (education; communication and information; culture; natural sciences; and social and human sciences), Tokelau, like most nations, wished to benefit primarily from assistance in education. Despite scarcity of funds, UNESCO had for several years funded in-school teacher training in Tokelau through its Pacific

regional programmes. More recently, however, the training was being carried out primarily by teachers funded through Volunteer Services Abroad. UNESCO had also promoted Tokelau's schools becoming "associated" and thus committed to educating their students about the United Nations. In addition, UNESCO had contributed funds to the UNDP solar energy project. Ms. Tait also stressed the interest of UNESCO in assisting Tokelau to preserve its unique cultural traditions. Now that Tokelau had become an associate member of UNESCO, it would be easier for the Territory to attend regional meetings and to access funding. She looked forward to hearing from Tokelauan educational authorities in that respect.

### 2. Meeting with the South Pacific Regional Environmental Programme

35. The Deputy Director of the South Pacific Regional Environmental Programme, F. Vitolio Lui, noted that Tokelau, as a member of that intergovernmental organization, had full access to assistance in the areas of conservation, pollution prevention, climate change and economic development. The Director of the Programme had made an official visit to Tokelau in June 2002 to discuss the Territory's expectations and needs. Meanwhile, it was providing technical advice to Tokelau on such issues as marine conservation, information technology, environmental education, oil-spill contingency plans and the upgrading of pigsties and water tanks on Nukunonu. In addition, the Programme was assisting Tokelau with its national assessment report to the World Summit on Sustainable Development and with its economic sustainability development plan. According to Mr. Lui, the main mechanism for Tokelau to obtain support for the development of its EEZ and fisheries management programme would be through the Forum Fisheries Agency, in which Tokelau had recently obtained membership.

### 3. Meeting with the Prime Minister of Samoa

36. On 20 August 2002, the Mission paid a call on the Honourable Tuila'epa Sailele Malielegaoi, Prime Minister of Samoa, upon his return from the meeting of the Pacific Leaders Forum. The Prime Minister reaffirmed the long-standing, close relationship between Samoa and Tokelau and noted that his country would continue to provide assistance to the Territory. Samoa served as a transit point for Tokelau's export products, such as copra and handicrafts, and had provided the Territory with priests, doctors and nurses. Meanwhile, a number of Tokelauans lived in Samoa as citizens of New Zealand though still maintaining their cultural identity as Tokelauans. Regarding the future political status of Tokelau, he reiterated that this was for the people of Tokelau to decide. Were they ever to choose integration with Samoa, it would not pose a problem for his country, since Tokelau and Samoa shared many features, among them a similar language. Owing to other travel commitments, the Prime Minister had postponed a planned visit to Tokelau in 2002 until February 2003. He planned to travel on a police vessel that regularly patrolled the sea between Samoa and Tokelau. This would be the first visit of a Prime Minister of Samoa to the Territory.

## C. Meetings in New Zealand

### 1. Round-table discussion chaired by the Deputy Secretary, Ministry of Foreign Affairs and Trade, Gordon Shroff

37. The meeting at the Ministry of Foreign Affairs and Trade included members of the United Nations and Commonwealth Division, the Legal and Pacific Divisions and NZAID. The Mission was asked to convey its impressions upon its visit to Tokelau, whereupon the New Zealand officials described the work that was being done to facilitate self-government in the Territory while at the same time trying to ensure that there would be the capacity and finances to sustain it. New Zealand was hoping to begin consultations with Tokelau on a relationship framework by November 2002 (see annex II). It was anticipated that the relationship framework to be discussed would:

(a) Reconfirm Tokelau and New Zealand's ongoing commitment and responsibilities to one another;

(b) Identify the values and principles that are the foundation for New Zealand and Tokelau's relationship;

(c) Confirm the terms under which New Zealand will provide ongoing economic and administrative assistance to Tokelau;

(d) Identify the principles underpinning issues such as Tokelau's security and defence, Tokelau's participation in regional and international affairs, the role of the Tokelauan community in New Zealand, and the decolonization process;

(e) Institute more structured communication and liaison between Tokelau and New Zealand so that issues concerning both parties can be addressed more strategically and systematically in the future.

38. The Deputy Secretary summarized the position of the New Zealand Government in the following terms: New Zealand was very pleased that its cooperation with the Special Committee was considered exemplary and it remained fully committed to working with the United Nations and, concretely, with the Special Committee to advance towards the decolonization of Tokelau. While understanding the Committee's unwillingness to accept an open-ended process, the decolonization mechanism had to relate to the specificities of the Pacific, and to Tokelau in particular. Experience told the Government of New Zealand that it was better to "get it right" than to rush. The Modern House of Tokelau project to provide the greatest possible extent of self-government and the upcoming relationship framework meetings were the right way to proceed. This was as much as Tokelau and New Zealand could handle at the present, conceptual stage. The relationship framework would make explicit the basis and parameters of the relationship between Tokelau and New Zealand so that both parties could have a clear foundation for planning and action. It might lead to the sort of study envisaged by the Mission to spread knowledge and understanding of the three options and their implications and consequences to all of the people of Tokelau. New Zealand would keep the Special Committee informed of developments and continue to proceed within the parameters of the programme of work. On the matter of the ownership of Swains Island, which had been brought to the attention of the Mission in Tokelau, the Deputy Foreign Secretary pointed out that New Zealand had encouraged Tokelau to develop and strengthen its cultural and economic links with the island. He also explained that the

present administration of the island had been confirmed through an international treaty and, therefore, in the context of international law, a different approach was required to the issue. Regarding the economy of Tokelau, the representative of NZAID described New Zealand's willingness to support Tokelau's long-term self-reliance through economic development and the establishment of a trust fund (see annex III).

### 2. Meeting with the Tokelauan community, Matauala Hall, Porirua

39. The Mission was invited to meet with a representative group of Tokelauans from the three atolls, who were living in the Wellington area. They wished to hear the Mission's impressions following its visit to the Territory and to have an opportunity for community members to express their views. The Mission explained that Tokelau, New Zealand and the United Nations had recently begun a three-way dialogue (through the Special Committee's work programme) aimed at advancing the decolonization of the Territory. The purpose of the visit to Tokelau was not, as a local television channel had claimed, to speak of independence for Tokelau but rather to understand conditions in the Territory and to ensure that its people were aware of the three options available to them. The Mission had been struck by the remoteness of Tokelau and its scarce transport facilities, yet greatly impressed by the strength of Tokelauan culture and the Modern House project. The Mission believed that, despite the assistance provided to date, there was need for economic development and improved health and educational conditions. It was clear that Tokelau wished to retain links with New Zealand and that there were shortly going to be meetings to decide which sort of relationship existed between the two. Perhaps Tokelauans should start thinking now about the sort of a relationship they wanted with Wellington in order to be able to plan their governmental structures accordingly. The Special Committee could assist in this process by helping the people to be informed about the three options and their implications for Tokelau. In the meantime, the Mission expresses great appreciation for New Zealand's cooperation on decolonization issues and its exemplary and transparent relationship with the Tokelauan people. Finally, the Mission encouraged Tokelauans abroad to be united and to volunteer professional expertise to assist their homeland.

40. Among the issues raised by the Tokelauan community were the difficulties and high costs of travel to the atolls; the vulnerability to rising sea levels and hurricanes and the need for strengthening sea walls; the lack of links among Tokelauans living in New Zealand, Australia and the United States of America; and the continuing concern about recovering sovereignty over Swains Island. While several speakers acknowledged signs of progress in the atolls (the Modern House project, telephone service, FM radio and 24-hour power), another questioned the price of development and stated that Tokelau's isolation might be the only way to protect its unique way of life. Most speakers believed that whichever political option Tokelau chose, it would still wish to maintain ties to New Zealand and would need considerable financial assistance to sustain itself. In addition, the community stressed its wish to be involved in decisions on the future of Tokelau.

### 3. Round-table discussion on the theme "How can small territories survive and thrive in a decolonized world?"

41. The Mission was invited to participate in a round-table discussion on the theme "How can small territories survive and thrive in a decolonized world?", which

was attended by members of the Law School at Victoria University of Wellington, representatives of the Ministry of Foreign Affairs and Trade, and other experts and advisors on island territories.

42. At the outset of the discussion, it was noted that most very small territories may be able to survive in a decolonized world, but it would appear that rarely would they be able to thrive, given their scarce resources. The issue of population was critical. In the cases of Niue, Cook Islands and, potentially, Tokelau, New Zealand citizenship and increased access to air travel had prompted mass migration. Unless particular attention was paid to the balance between the bright lights of the metropolis and the island sun, people would slowly leave and take their expertise with them. Population decline also mattered greatly because the islands were the home of the culture and language. Many of the remaining small Non-Self-Governing Territories seemed reluctant to move from their status quo because they were aware of their vulnerability. The participants discussed the possibility that the existing options for self-determination be explored in a new light. Integration and independence seemed to sit at each end of a continuum, with free association sitting in between. The focus should perhaps be on providing information about the options and their implications, as well as reasonable assurances for the future.

43. The examples of Niue and Cook Islands were discussed at some length, as were their constitutional and budgetary arrangements with respect to New Zealand, their citizenship status, and the extent to which they had established international relations of their own. Also discussed were the precedents set by former Pacific Trust Territories, which had negotiated compacts of free association after their Constitutions had come into force, but before ending the Trust relationship. In addition, the option of integration and its merits was discussed with reference to New Zealand's relationship with the Chatham Islands. Some of the participants noted that, where a territory wished to adopt an arrangement short of independence, it seemed necessary to establish a transparent partnership so as to ensure the provision of the administrative and economic assistance that would make life in the territory attractive, thus counteracting the draining effect of the citizenship provided by the former colonial power. Structured discussions held on a regular basis also seemed the answer to avoiding "sustained autonomy" becoming "re-colonization".

44. During the discussion, it was held that too much attention was being paid currently to governance and administrative arrangements and not enough to productive, income-generating activities. Sometimes, government stifled private initiatives and forced those who did not have civil service jobs to emigrate. There was a need to assist resourceful individuals in small territories to build themselves productive lives. It was also noted that, in the case of Tokelau, self-determination had to be on Tokelau's terms, namely, protecting its culture while finding modern methods to rise above its current subsistence economy; what mattered was not theorizing about the future but, rather, Tokelau's situation in 2002.

## IV. Conclusions and recommendations

45. As noted in United Nations press release GA/COL/3070, the Mission travelled to Tokelau and New Zealand in order to examine the situation in the Territory within the framework of the work programme towards self-determination for Tokelau, which is being developed together with the representatives of Tokelau and New

Zealand. In this context, the Mission aimed to assess the status of Tokelau's institutions of Government, its constitutional and legal development, and its economic and social development and their sustainability, and to make recommendations to further advance its process of self-determination.

## A. Status of institutions of Government and constitutional development

46. The Mission notes that the Modern House of Tokelau project, officially established by the General Fono in June 2000, is considered by both the Territorial representatives and the administering Power to be the principal mechanism with which to construct a self-governing nation based on a village structure. The Mission concludes that there is general support for this project on the atolls, where it is seen as a home-grown way to establish good governance, improved capacity and sustainable development, and to lead to the consideration of the question of self-determination. It commends the administering Power for its support of the Modern House project and views very positively the considerable assistance and funding that the project is receiving from NZAID and UNDP. The Mission recommends that the Modern House project continue to receive the full support of the United Nations.

47. The Mission lauds the steps being taken to preserve a traditional governance structure, based on the councils of elders on each atoll, as the foundation of the nation, as well as ongoing efforts to equip these councils with teams of advisers equipped with the necessary up-to-date expertise. It also takes note of the nature of the national representational body for Tokelau, namely, the General Fono, which is composed of members elected from each atoll by universal suffrage, and of the three-member Council of Faipule, which provides national Government when the Fono is not in session. The Mission understands that there are pending issues to be worked out by the Tokelauans concerning the structure, membership and powers of their institutions of Government and the interrelationships among them. The Mission recommends that, during this process, due consideration continue to be paid to ensuring that representation at the village and national levels is coherent and cohesive, and that all social groups feel represented in the decision-making process.

48. The Mission notes that constitutional issues are part of the ongoing dialogue between Tokelau and New Zealand and that it is expected that the work done in the biennium 1996-1997 to produce a first glimpse of the constitution will be further developed as part and consequence of new governance structures at the village and national level. Within the framework of the work programme for the decolonization of Tokelau, the Mission wishes to reiterate the interest of the Special Committee in being kept informed of developments in the constitutional field, notably the outcome of the meetings of the Special Constitutional Committee.

## B. Economic and social development and its sustainability

49. The Mission notes that the people of Tokelau and the representatives of New Zealand are well aware of the limitations faced by the Territory on account of its remoteness, small size, scarcity of natural resources and environmental vulnerability. It concurs with all concerned who are convinced that greater financial

stability, coupled with increased local capacity and the creation of productive employment, is a key element in the achievement of self-governance.

50. The Mission recognizes the ongoing efforts by the administering Power to provide considerable economic assistance to Tokelau through NZAID, in support of self-government, projects, the Modern House of Tokelau and the soon-to-be established Tokelau trust fund (see annex III).

51. The Mission also acknowledges the support being provided to Tokelau by UNDP, other agencies of the United Nations system and regional organizations, such as the South Pacific Regional Environmental Programme to assist the Territory in improving its economic and social conditions.

52. The Mission values highly the efforts made, since the visit of the Mission in 1994, to strengthen Tokelau's financial base. Especially significant are efforts to create a trust fund destined to assuring a long-term independent income for Tokelau. The Mission notes that New Zealand and Tokelau have, respectively, set aside NZ$ 3.4 million and NZ$ 680,000 for the fund (with Tokelau's funds emanating from its EEZ), and that New Zealand has allocated to it a further contribution of NZ$ 700,000 for the biennium 2002-2003. The Mission recommends that the Trust Fund be established as soon as possible and that Tokelau have access to the best possible financial advice to ensure that assets are soundly invested.

53. The Mission notes the Territory's current earnings from fishing licenses under the 1987 Treaty on Fisheries between the Governments of certain Pacific Island States and the Government of the United States of America and other instruments. The Mission concurs with the views heard in Tokelau and Wellington that one of the Territory's greatest chances of economic sustainability is through further development of its marine resources. In this respect, the Mission welcomes Tokelau's recent accession to associate membership of the Forum Fisheries Agency and hopes that, through the Agency, it will have access to additional assistance to develop its fisheries and obtain further benefits from its EEZ.

54. The Mission values highly the steps being taken to create employment outside the realm of the public service. The Mission welcomes these initiatives, especially projects such as those supported by UNDP to promote microenterprises for women and skills training for youth.

55. Having experienced first hand the remoteness of the Territory and the difficulties of sea travel, the Mission concurs with the many Tokelauans who state that one of the greatest drawbacks to economic development in Tokelau is its lack of transportation options. The Mission recommends that, in addition to the current service provided by MV Tokelau, with its limited passenger and cargo capacity and its single line from Samoa to the three atolls, serious consideration be given to the establishment of a dedicated inter-atoll ferry. In addition, the Mission sees the need for the establishment of an airstrip on one of the atolls.

56. As a small island territory, Tokelau is particularly vulnerable to adverse environmental conditions. The Mission notes its need for assistance in the rebuilding of sea walls, the development of renewable sources of energy and marine conservation. The Mission welcomes the assistance provided so far by NZAID, UNDP and the South Pacific Regional Environmental Programme in these fields and expresses the hope that this will continue as required. It also welcomes the fact that, from 2003/2004, NZAID will make available funds to implement a five-year

programme to address infrastructural needs such as sea walls, reef channels, wharves and handling equipment. Further, the Mission expects that Tokelau's recent membership in the Forum Fisheries Agency will provide the Territory with additional valuable assistance in the management of its marine environment.

57. The Mission especially welcomes the progress made in improving living conditions in Tokelau during the period elapsed since the visit of the Mission in 1994, namely, access to 24-hour electric power and the installation of international telephone connections. While these new services are greatly appreciated by the community, the Mission noted concern regarding the sustainability of the services, given the high governmental subsidies currently applied to them and the difficulty for individuals to meet utilities payments in a society in which revenue-earning employment is scarce.

58. Another advance witnessed by the Mission is the recent establishment of FM radio stations on each atoll. The Mission welcomes this as an excellent medium through which to increase public awareness of political, social and economic developments in Tokelau, as well as a tool to preserve Tokelau's cultural heritage and to increase the exchange of views in the community. The Mission recommends that FM radio also be used to increase public awareness of the role of the United Nations in the field of decolonization.

59. The Mission notes the vibrancy of Tokelau's culture, language and traditions and commends the perseverance and commitment with which both Tokelau and New Zealand strive to preserve these.

60. Regarding education in Tokelau, the Mission was informed that current assistance from New Zealand is focused on scholarships and volunteer teachers but it notes that, pursuant to a recent study, Tokelau and New Zealand have agreed to act urgently to provide technical support to the Education Department and to develop a comprehensive strategy to shape the future direction of education in the Territory.

61. The Mission welcomes Tokelau's accession to UNESCO as an associate member in October 2001 and it urges UNESCO to continue to provide all available support to Tokelau's educational advancement.

62. Regarding health conditions in Tokelau, the Mission heard concerns about the increase in lifestyle-related diseases, the lack of full-time medical practitioners on two of the three atolls and the limited facilities available. The Mission notes that a recent review of the health project supported by NZAID has confirmed the need for both Tokelau and New Zealand to address numerous health concerns. In line with this, the Mission recommends that WHO support further programmes on health education in Tokelau and consider instituting the conditions that would encourage the return to Tokelau, for a period of time, of graduating medical practitioners who benefit from WHO fellowships.

63. The Mission noted the interest expressed by Tokelauans living abroad to remain informed of and involved in their country's future, and the support they expressed for Tokelau to retain its links with New Zealand. The Mission welcomes the establishment of the Friends of Tokelau within the Modern House project, and the TOKTEN initiative which will involve expatriate Tokelauans in providing short-term or medium-term professional expertise with a view to improving conditions and strengthen capacity in their homeland.

64. While noting the value of the unique character of each atoll, the Mission wishes to endorse efforts directed at strengthening unity among the atolls in order to promote Tokelau's national identity and enable the available resources to be pooled more effectively.

## C. Recommendations to further advance the process of self-determination

65. The Mission values highly the ongoing dialogue that the Special Committee has with Tokelau and New Zealand and, specifically, the work done since 2001 to move forward on a work programme for the decolonization of Tokelau. The Mission believes that regular contacts to assess progress in this field are beneficial to all parties concerned.

66. The Mission notes that Tokelau values its relationship with its administering Power very positively and wishes to retain significant links to New Zealand. While numerous statements heard by the Mission in Tokelau reflected that all options for self-determination (free association, integration or independence) remain on the table, it appears clear that independence is seen as the least likely option for the Territory.

67. Both Tokelau and New Zealand place great importance on the relationship framework meetings which are scheduled to begin in November 2002. The Mission notes that, by agreeing on the framework, both parties aim towards reconfirming their mutual commitments and responsibilities and identifying the values and principles that are the foundation for their relationship. More specifically, the framework is expected to confirm the terms under which New Zealand will provide ongoing economic and administrative assistance to Tokelau, and identify the principles underpinning such issues as Tokelau's security and defence, its participation in regional and international affairs, the role of the Tokelauan community in New Zealand, and the decolonization process (see annex II). The Mission believes that the relationship framework should help to clarify the steps that Tokelau may wish to take in the future, and it requests that the Special Committee be kept informed of developments arising from the meetings.

68. Throughout its meetings in Tokelau and with the Tokelauan community in New Zealand, the Mission noted that there appears to be confusion among the population at large regarding the role of the United Nations in decolonization and the nature of the three options available to Non-Self-Governing Territories. The Mission spent considerable time in these meetings clarifying that self-determination does not necessarily entail a severing of links with the administering Power but that it is, rather, a process in which the Territory is meant to choose the option that it considers most appropriate to its needs and aspirations. Given this situation, the Mission strongly recommends that both Tokelau and New Zealand consider developing an educational programme to inform the population on the nature of self-determination, so that it is better prepared to face a future decision on this matter. The Mission believes that the newly created FM radio stations could play a crucial role in this programme. The Mission requests the Special Committee to provide all available assistance in this regard.

69. The Mission notes the position expressed by Tokelau that it wishes to move at its own pace towards its act of self-determination, while it addresses its governance

and economic development issues and seeks to clarify its relationship with New Zealand. The Mission also notes New Zealand's position that it is better to "get it right" rather than rush to an outcome for Tokelau, and that the Modern House project and the relationship framework meeting are the right way to proceed. While appreciating these positions, the Mission wishes to emphasize that its role is to facilitate the process of self-determination. The Mission believes strongly that, in parallel to current endeavours, it is possible and would be constructive for the process, for Tokelauans to give some preliminary consideration to the nature of the self-determination options. In this regard, the Mission recommends that a study be conducted on the nature of the three options and their implications and consequences for Tokelau, and it further recommends that the Special Committee support such an undertaking. The Mission notes that the UNDP office in Apia has expressed interest in assisting in such a study.

70. In conclusion, the Mission wishes to reiterate its appreciation to the people of Tokelau and the representatives of New Zealand for the warm hospitality and cooperation extended to it during its stay in the territory and in Wellington.

71. The Mission wishes also to extend its gratitude to the Government of Samoa for its hospitality, and to encourage Samoa, as Tokelau's closest neighbour, with which it shares many commercial and cultural links, to continue to provide all necessary assistance to the Territory.

72. The Mission believes that the visit to Tokelau afforded its members invaluable insights into conditions in the Territory and the steps being taken by Tokelau and New Zealand to increase self-government while strengthening economic conditions. The Mission also believes that its presence in Tokelau helped to clarify the parameters of decolonization, the role of the Special Committee and the goals of the Second Decade for the Eradication of Colonialism.

*Notes*

[1] For further details concerning the political, economic and social structure of the Territory, see recent working papers on Tokelau, prepared by the Secretariat (A/AC.109/2001/5 and A/AC.109/2002/6).

[2] As at 1 September 2002, NZ$ 1.00 was equivalent to US$ 0.47.

# Annex I

## Statement by Faipule Pio Tuia, Ulu-o-Tokelau, at the special session of the General Fono, 17 August 2002

It is a privilege and indeed a very high honour for me, the Faipule of Nukunonu and Ulu-o-Tokelau, to address this special session of the General Fono. It is a special day. It is a very special moment for the Territory of Tokelau to be together with its Trustee, the United Nations.

We give thanks to Almighty God for bringing you here safely through the air and over the seas. We ask him to bless our gathering and deliberations. To fill our minds and our hearts with kindness and generosity. We thank Him for this Mission which should witness peace and harmony rather than attempting to keep peace in Tokelau.

Members of the General Fono are here today. They are here by permission and blessings of the elders of their villages, some of whom have graced us with their presence. They followed you here I think to make sure that I faithfully report to you their aspirations, conveyed to you over the previous two days — and earlier today here in Nukunonu!

Indeed it is through them, the elders of the three councils of Fakaofo, Atafu and Nukunonu that I and my colleagues around the table are able to warmly greet and welcome you to this special session of the General Fono.

Your Excellency, Ambassador Stephen Huntley, leader of the Mission and Chairman of the Special Committee and members of your delegation, the last time I met you, just over one month or so ago, was in the United Nations building on the island of Manhattan in New York. Now I meet you here on my island. Like the Administrator of Tokelau whose previous posting immediately prior to coming here was China, the contrast is enormous. The differences are almost immeasurable.

As we struggle to make sense of this decolonization process, we sometime feel the enormous gap and contrast. Despite that, we have continued to persevere because we in Tokelau are engaged in the process for our own reasons, approaching issues from our own perspective and seeking governance and administrative arrangements that suit the uniqueness of our little islands.

However, despite these differences you are here. To find out for yourselves the realities of Tokelau. To find common ground from which to move forward. To discover for yourselves the realities of our situation in order to carry out your responsibilities as the Trustee in this three-way partnership.

We are immensely proud to have you here. We hope that you leave us with a deeper appreciation and understanding of our situation. But before you leave us we must first of all welcome you.

We welcome you to Tokelau, to this special session of the General Fono. We welcome you all our visitors and guests including the new Resident Representative for UNDP Apia, Joyce Yu, and members of her delegation.

Let me also acknowledge fully the presence of the Administrator of Tokelau, Lindsay Watt, who is here representing the administering power. But I hope he does not forget to wear his Tokelau hat sometime during our dialogue!

My statement at the seminar held at Nadi, Fiji in June and my statement to you later in that month at the annual session of the Special Committee on the question of Tokelau has brought you and members of your Mission up-to-date with very recent developments. The ongoing reporting from the administering power in providing the Committee with information for its annual report on developments in Tokelau is to say the least impressive. I must congratulate the Administrator of Tokelau for that.

The key development as noted in those statements is the achievement of village governance arrangements, capacity-building and sustainable development — under the auspices of the Modern House of Tokelau project. You will recall that I formally tabled a report of the project's activities in the past two years when I addressed the Special Committee in New York. I shall not therefore dwell at any length on those activities.

Instead, allow me to quickly go over with you some key positions, undertakings and understandings that we now hold since we actively embarked on the road towards self-determination, and endeavour to provide a context as you visit us in 2002 to remind our people of where we are now in the decolonization process — and since the Visiting Mission of June 1994.

The situation we find ourselves in, and these key positions, undertakings and understandings are as follows:

- There is no fixed date or formal timetable for Tokelau to follow in order to exercise its inalienable right to an act of self-determination.
- The Special Committee has recognized Tokelau's unique situation and has consequently given her the reassurance that she can proceed on the path of self-determination at her own pace.
- Both the Trustee, or the Special Committee, and the administering power have accepted the path that Tokelau has taken to find its expression of self-determination — looking to the strengths of the local institutions, strengthening those institutions and empowering them by the provision of modern supportive systems.
- It is a "coral-up" approach and not the more common heavy-handed and prescriptive top-down approach.
- Where much recent progress has been made in village governance arrangements with the potential for real accelerated progress over the next 6 to 12 months.
- Strong focus on sustainable economic development where the emphasis is on the commercialization of Tokelau's substantial fisheries resources.
- Where much of Tokelau's attitude on self-determination is one of fear of future neglect.
- Where the emphasis is on process and the need to fully consult people, that is, to be inclusive and promote full understanding — to claim ownership and to be proactive.
- Evolution rather than devolution of the powers to self-manage administratively and to self-govern politically.

- Where it is about to enter into a long-term agreement with the administering power on a Tokelau trust fund to achieve a fair measure of financial independence.

- Where the current Government is into its first year of governing and is determined to achieve results as outlined in the Tokelau strategic sustainable development plan for 2002-2004.

- Where Tokelau will undertake together with New Zealand a stocktake of the relationship, continuation of the discussions on the review of the support for self-government and agreement on a relationship framework. All of these important activities are expected to be completed before the end of 2002.

- Where Tokelau is attracted towards what might be possible under Allison Quentin-Baxter's concept of sustained autonomy.

- Where the current focus is on the development of self-government and not solely to follow the development of a status of free association with New Zealand — the focus is squarely on the former.

- Where full integration is yet to be fully explored so as to examine what might be possible for Tokelau under that option in order to make a fully informed decision on self-determination.

- Tokelau will not be able to proceed towards self-determination unless satisfactory arrangements are as much as possible mutually agreed upon on certain issues of territorial moment, ongoing support and other arrangements, as discussed in the 1994 Voice of Tokelau, the statement made by the Ulu to the Visiting Mission in June of that year. These became known as prerequisites to self-determination.

Most of the above are straightforward and Tokelau's position on those is well-known and documented. It is important that I clarify and elaborate further on some of the grey areas and make some bold predictions on those on which I believe we can make significant advances in the near future.

First, I wish to state categorically that, from Tokelau's point of view, all options in regards to an option or a "choice" for a right to an act of self-determination are open. The present activity is consistent with the development of internal self-government — with a strong focus on governance arrangements for the villages. Nothing more, or less. It does not speak of a definite leaning towards free association. It does not speak of full integration. Indeed, we cannot say much at all about the full integration option because it has not been available to be explored or discussed to any degree.

We have asked the Government of New Zealand to discuss what might be available for Tokelau under the full integration option. We see this as part and parcel of our ability to make a fully informed decision about which choice to make.

Moreover when the partners avail themselves of the opportunity to look closely at the nature of current activities, we are concentrating on building both internal arrangements and structures to give ourselves the capacity to govern ourselves to the extent possible. Tokelau initiated the discussion of the need to fully define its relationship with the administering power so that it can reach the position and ability to fully assess the exact nature of that relationship. It is important to have

it down in black and white so that the givens become known, as should what can be taken for granted as legitimate rights.

The activities raised in the 1994 Voice of Tokelau were prerequisites to a next step. That list has not yet been fulfilled, although progress has been made. For example, the General Fono now has the power to make laws with a disallowance clause still attached. Progress has been made in respect of sea transport but still questions are asked about the adequacy and quality of the one and only ship owned by Tokelau. It is noted that the Mission did not travel to Tokelau on that ship. That event speaks for itself. There are limitations to the current capacity of Tokelau's telecommunications. It is not possible to access a local Internet service provider because of the technical limitations of the system.

The stocktake of the status of the different elements of the relationship between Tokelau and New Zealand is a long-awaited activity that promises to be illuminating for both parties. Many of the prerequisites will fall under this activity, as will undoubtedly more. That and the work programme initiated by the three partners in June 2001 will address in a comprehensive manner what needs to be planned and implemented. There is a need to rationalize the work programme and the outcome of the stocktake.

The related exercise of crafting a relationship framework is eagerly awaited. Tokelau understands that such a document will contain the principles within which the relationship is to be conducted, where the parties will agree to each other's expectations, and where and when consultations should take place. It will contain a framework for administrative support that will enable both sides to understand where each other stands — a framework that is more than the relationship, one that would enhance better understanding — and a process that goes on irrespective of the comings and goings of successive governments, a continuum.

It is expected that these activities will be completed by the end of 2002. Indeed, some will be completed in time for the Council of Faipules' trip to New Zealand to hold formal intergovernmental talks in November.

One issue that continues to be close to the hearts of the people of Tokelau is Swains Island. The issue will simply not go away. Let me say here that it is not Tokelau's wish to create controversy, or sensationalism. What it is asking the Trustee and the administering power is to work together with Tokelau to find ways whereby access to the use of the land for purposes of economic activity would be possible. Reaching such an arrangement will continue to be on the agenda for Tokelau.

Within Tokelau, I am excited about the real possibilities of finally putting in place local governance structures for all the three villages and their respective Taupulega. The outward commitment and confidence that each village's Council of Elders, or Taupulega, is now showing guide my comments. I am guided by the commitment of the Council of Faipule to the Modern House of Tokelau project and the major thrust on strengthening support for the Taupulega and allowing the emergence of local governance structures that suit the circumstances of each village. We appreciate that, in order for these emerging governance structures to be strong and effective, we need to have in place support service arrangements that are cohesive and efficient. I am confident that before we say goodbye to 2002, all three villages will have their rudimentary governance structures and arrangements in place.

Consistent with our endeavours to truly make the villages the foundation of the nation and having the traditional village authority as the source of the authority, or pule, for national matters, that is, the pule to set policies for the nation. That we as General Fono members currently exercise, we, the Taupulega of each village are preparing to accept that pule directly delegated from the Administrator of Tokelau. As you are aware, that pule is currently delegated to the General Fono and the Council of Faipule when the Fono is not in session. The Taupulega will in turn, delegate to us members of the General Fono because we are representing our villages in the national forum.

This new and natural way of bringing home the authority, or pule, from offshore to where it belongs in the first place, may very well become part of the second glimpse of the constitution, which is a realistic outcome for the meeting in November 2002 of the special constitutional committee. Where there is hope there is a way. Where there is faith in the hearts of the women and men of Tokelau there is a way. Where there is God there is a way.

You travelled here with our new neighbour, Joyce Yu. Madame, we are very happy that you have chosen Tokelau to be your first port of call offshore. In the presence of the Mission from United Nations Headquarters, let me thank you from the bottom of the hearts of the people of Tokelau, for the support that UNDP Apia has given our little country over the years.

Together with my colleagues in the Council of Faipule, I have given my endorsement to the multi-country programme outline for 2003-2007. We have agreed to the priority programme areas for the new programme cycle beginning in January 2003. Perhaps you may wish to elaborate on these when we reach the part of our agenda where we invite you to address the General Fono.

In the meantime, I hope that you and the rest of your delegation have had a rewarding trip and we very much look forward to working together with you over the next few years.

I would like to conclude my statement by acknowledging that the outside world, notably the United Nations and its agencies and the Government of New Zealand, is there with open arms ready to help, guide, where necessary, and support Tokelau.

This is a very positive situation to be in and one that we would wish to continue. To do that, we recognize that we must act our part too and, as much as possible, do the things that we say we will do.

The three partners can feel gratified that there is a positive air all around and it is because progress is being made. This augurs well for the future. In that regard, we must offer our sincere thanks and deep appreciation for the continuing and sustained interest that the Special Committee has shown Tokelau. Our little place will surely survive with that continuing support.

Last but not least, I must also extend our sincere gratitude to the Government of New Zealand in the person of the Administrator of Tokelau not only for the continuing financial assistance and advice but specifically for possessing the patience and wisdom to work together with Tokelau as she seeks to be herself.

Thank you and may God Bless the United Nations and all her agencies, including the Special Committee, the Government of New Zealand and Tokelau.

# Annex II

## Note for the meeting between Tokelau and New Zealand, scheduled to be held in November 2002: Tokelau/New Zealand relationship framework

**Why develop a relationship framework?**

The purpose of the relationship framework is to clarify what New Zealand and Tokelau expect of one another, and what their responsibilities are to one another. The framework will provide a clear, agreed structure within which both partners can work confidently together towards agreed goals. It can also provide a foundation on which to continue to build and develop the relationship.

**Who decides what is in the relationship framework?**

Tokelau and New Zealand will jointly develop the relationship framework, through consultation and discussions. It will be critical that both parties have equal and genuine input into the development of the framework.

**What will the relationship framework look like?**

New Zealand has begun work on an initial draft framework for consultation with Tokelau, but it is not yet clear how the final version of the framework will look. It is anticipated that the relationship framework will:

- Reconfirm Tokelau and New Zealand's ongoing commitment and responsibilities to one another.
- Identify the values and principles that are the foundation for New Zealand and Tokelau's relationship.
- Confirm the terms under which New Zealand will provide ongoing economic and administrative assistance to Tokelau.
- Identify the principles underpinning such issues as Tokelau's security and defence, Tokelau's participation in regional and international affairs, the role of the Tokelauan community in New Zealand, and the decolonization process.
- Institute more structured communication and liaison between Tokelau and New Zealand, so that issues concerning both parties can be addressed more strategically and systematically in the future.

In short, the relationship framework will make explicit the basis and parameters of the relationship between Tokelau and New Zealand so that both parties have a clear foundation for planning and action. The document is intended to be at the level of principle. While it is intended to guide practical work, it will not include details of specific projects, initiatives or funding levels.

**What is the link between the relationship framework and the stocktake?**

The relationship framework will be an important part of the stocktake. In developing the relationship framework, key issues of concern to both Tokelau and New Zealand will be identified. Some of those issues will be addressed in the relationship framework itself. Other issues can be addressed systematically once

more structured discussions between the partners have been instituted in accordance with the relationship framework.

**When will the framework be ready?**

The time frame for developing the framework has yet to be finalized. New Zealand has begun work on a first draft of the framework, and would hope to share the draft with Tokelau by the end of October 2002. New Zealand hopes that the final framework could be agreed in the first quarter of 2003.

# Annex III

## Note on economic assistance provided by New Zealand to Tokelau

Through the New Zealand Agency for International Development (NZAID), New Zealand provides economic assistance to Tokelau which allocated the following in the 2002/2003 financial year:

| | (*Millions of New Zealand dollars*) |
|---|---|
| Support for self-government (budget support) | 4.75 |
| Project Support | 2.00 |
| Modern House of Tokelau Project | 0.65 |
| Trust Fund Contribution | 0.70 |
| **Total** | **8.10** |

### A. Support for self-government

The annual lump-sum grant provided in support of self-government contributes approximately 70 per cent of Tokelau's budget revenue and is designed to cover Tokelau's core governmental operations, including health and education.

The level of support for self-government is currently under review. The review is intended to produce a considered assessment of the adequacy of the current level of budget support and the effectiveness of current resource use. It will take into account the resource implications of emerging Modern House structures. The intention is to complete the review before decisions are made on funding allocations for 2003/2004.

### B. Project support

Within the allocation for project support, key activities agreed between New Zealand and Tokelau include:

**Health**

A New Zealand-based doctor contracted by NZAID provides support for the Tokelau Health Department and coordinates a number of activities, including provision of locum doctors, medical referrals to New Zealand, training and equipment purchases. A recent review of this project has confirmed the need for action by both New Zealand and Tokelau to address numerous concerns over the provision of health services in Tokelau;

**Education**

While resources are currently focused on scholarships and the provision of volunteer teachers, a recent scoping study on the Tokelau educational system has recommended some immediate technical support for the Education Department and

the development of a comprehensive strategy to shape the future direction of education in Tokelau. Tokelau and New Zealand have agreed to act as a matter of urgency on these recommendations;

**Infrastructure**

A NZ$ 1.8-million project to provide 24-hour diesel power for the three atolls is two-thirds completed. Following discussions between NZAID and UNDP, UNDP and UNESCO have assumed responsibility for managing the photovoltaic component of this project, to which France is also contributing.

A NZ$ 1-million project to bring the maintenance of schools and hospitals up to date is about to resume under village management. Ongoing maintenance needs will be addressed in the review of support for self-government.

Following completion of the power and maintenance projects, funding and local capacity will be available from 2003/2004 to implement a five-year programme of infrastructural development to address priority needs, such as sea walls, reef channels, wharves and handling equipment.

## C. Modern House of Tokelau project

An additional, transitional allocation has been provided to support the Modern House project, in conjunction with UNDP, over the past three years. The contribution of NZAID has been directed towards village capacity-building activities, project management, small business training and the Friends of Tokelau network. Separate funding, along with technical input from the New Zealand Ministry of Economic Development, was provided to establish the FM radio stations.

Following the analysis of Tokelau's options for the development of the fishing industry envisaged under the Modern House project in 2002, NZAID is willing to support well-planned, commercially sustainable fisheries ventures.

## D. Trust fund

New Zealand and Tokelau have a joint commitment to establish a trust fund which will in time assure a long-term, independent income for Tokelau. Pending finalization of details relating to the fund's establishment, New Zealand and Tokelau have respectively set aside NZ$ 3.4 million and NZ$ 680,000 for the fund. NZAID has allocated a further NZ$ 700,000 contribution for 2002/2003.

# Annex IV

## Itinerary and activities of the Mission, August 2002

| *Date* | *Place* | *Activities* |
|---|---|---|
| Tuesday, 13 August | Apia | Arrival from New York |
| Wednesday, 14 August | At sea | En route to Tokelau |
| Thursday, 15 August | Fakaofo | Arrival from Apia |
| | | Meeting with Taupulega (Council of Elders) and people of Fakaofo |
| | | Tour of village |
| | | Visit to the Fenuafala Hospital |
| | | Visit to the Tialeniu School |
| | | Visit to the Tele Tok Company |
| | | Departure for Atafu |
| Friday, 16 August | Atafu | Arrival from Fakaofo |
| | | Meeting with Taupulega (Council of Elders) and people of Atafu |
| | | Tour of village |
| | | Visit to FM radio station |
| | | Visit to hospital |
| | | Departure from Atafu |
| Saturday, 17 August | Nukunonu | Arrival from Atafu |
| | | Meeting with the people of Nukunonu |
| | | Meeting with Taupulega (Council of Elders) |
| | | Planting of sprouting coconut (pula-pula) by the delegation |
| | | Tour of village |
| | | Visit to Matiti School |
| | | Visit to FM radio station |
| | | Meeting with General Fono |
| | | Departure for Apia |

| *Date* | *Place* | *Activities* |
|---|---|---|
| Sunday, 18 August | At sea | Arrival in Apia (evening) |
| Monday, 19 August | Apia | Meeting with the representatives of WHO, FAO and UNESCO |
| | | Meeting at South Pacific Regional Environmental Programme |
| Tuesday, 20 August | Apia | Meeting with the Prime Minister of Samoa |
| Wednesday, 21 August | Apia | Departure for New Zealand (Crossed the international date line) |
| Thursday, 22 August | Wellington | Arrival from Apia |
| | | Round-table discussion, chaired by the Deputy Secretary, Ministry of Foreign Affairs and Trade, with members of NZAID, the United Nations and Commonwealth Division, and the Legal and Pacific Divisions |
| Friday, 23 August | Wellington | Meeting with representatives of the Tokelauan community |
| | | Round-table discussion on the theme "How can small territories survive and thrive in a decolonized world?" |
| | | Mission concludes its work |